

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,

Plaintiff,

v.

No: 05-CR- 1849 (JH)

DANA JARVIS,

Defendant.

**SEALED DOCUMENT**

**DEFENDANT DANA JARVIS' PRIVILEGE LOG IN SUPPORT OF HIS CLAIM OF AN  
ATTORNEY-CLIENT RELATIONSHIP WITH ROBERT J. GORENCE, ESQ.**

Defendant, Dana Jarvis, through counsel of record Joe M. Romero, Jr. and Jody Neal-Post, hereby provides this Privilege Log, which purpose is to describe, with detail the communications he had in confidence with Mr. Robert Gorence, but without disclosing the confidential content , as per Tenth Circuit Court of Appeals procedure. *See Phalp v. City of Overland Park*, 2002 U.S. Dist. LEXIS 9684 (D. Kan) (May 8, 2002) (reasoning that Tenth Circuit precedent provides that a third party may move to quash subpoena directed at former counsel and proper way to do so is to provide such a privilege log). This log is filed under seal and for the express and limited purpose of establishing Mr. Jarvis' basis for asserting an attorney-client relationship existed between himself and Mr. Gorence.

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| <b><i>ITEM 1.</i></b><br><i>Description of Communication:</i> | Affidavit of Dana Jarvis regarding his belief Robert Gorence, Esq. was his attorney |
| Date prepared/made:   | November 1, 2007  |

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| Who was involved in the communication or who made the document:               | Dana Jarvis drafted; notes compiled and put to paper by counsel   |
| For whom was the document prepared or to whom was the communication directed: | For establishing his attorney-client relationship w/Gorence   |
| Purpose of preparing the document or making communication:                    | As exhibit for court filings and for hearings   |
| Basis for withholding content:  | Confidences and secrets disclosed in reliance on attorney-client relationship/work product; document currently under seal in these proceedings/prepared for litigation. |
| No. of Pages:   | 5   |

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| <b>ITEM 2.</b>  | Affidavit of Judith Rosenstein, Esq.   |
| <i>Description of Communication:</i>  |  |
| Date prepared/made:   | November 19, 2007  |
| Who was involved in the communication or who made the document:               | Ms. Rosenstein drafted her own affidavit in support of Mr. Jarvis' belief Mr. Gorence was and intended to be Mr. Jarvis' counsel |
| For whom was the document prepared or to whom was the communication directed: | Document was prepared for court hearing on attorney-client relationship; never yet disclosed                                     |
| Purpose of preparing the document or making communication:                    | Provide Ms. Rosenstein's understanding as Jarvis' former counsel at the time in question, December 05– January 19, 2006.         |
| Basis for withholding content:  | Mental impressions of Mr. Jarvis' counsel; prepared by counsel for litigation  |
| No. of pages:   | 4  |

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| <b>ITEM 3.</b> | Affidavit of Hope Eckert, Esq. |
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| <i>Description of Communication:</i>  |  |
| Date prepared/made:   | November 16, 2007  |
| Who was involved in the communication or who made the document:               | Ms. Eckert drafted her own affidavit   |
| For whom was the document prepared or to whom was the communication directed: | Document was prepared for court hearing on attorney-client relationship; never yet disclosed   |
| Purpose of preparing the document or making communication:                    | Provide Ms. Eckert's authentication of an email she sent to Mr. Gorence on January 31, 2006 regarding Mr. Jarvis' counsel, in her then capacity of forfeiture counsel for Mr. Jarvis |
| Basis for withholding content:  | Mental impressions of Mr. Jarvis' counsel; doc prepared for litigation   |
| No. of pages:   | 2 (includes email)   |

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| <b>ITEM 4.</b>  | Affidavit of Hope Eckert, Esq.  |
| <i>Description of Communication:</i>  |   |
| Date prepared/made:   | November 16, 2007   |
| Who was involved in the communication or who made the document:               | Ms. Eckert drafted her own affidavit  |
| For whom was the document prepared or to whom was the communication directed: | Document was prepared for court hearing on attorney-client relationship; never yet disclosed  |
| Purpose of preparing the document or making communication:                    | Provide Ms. Eckert's authentication of an email she sent to Mr. Gorence on January 31, 2006 regarding Mr. Jarvis counsel, in her then capacity of forfeiture counsel for Mr. Jarvis |
| Basis for withholding content:  | Mental impressions of Mr. Jarvis' counsel; prepared for litigation  |
| No. of Pages:   | 2 (includes email)  |

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| <b>ITEM 5.</b>  | Affidavit of Professor Rodney Uphoff, Esq.   |
| <i>Description of Communication:</i>  |  |
| Date prepared/made:   | November 8, 2007   |
| Who was involved in the communication or who made the document:               | Affidavit drafted by Professor Uphoff as expert on legal ethics  |
| For whom was the document prepared or to whom was the communication directed: | Prepared for Mr. Jarvis' pending litigation to assist the court on Whether Gorence and Jarvis had an attorney-client relationship and whether Mr. Gorence could testify against Mr. Jarvis |
| Purpose of preparing the document or making communication:                    | To determine ethical parameters of attorney client relationships and duties of former counsel & the AUSAs  |
| Basis for withholding content:  | Currently under seal in these proceedings; prepared at request of Mr. Jarvis' counsel and for litigation   |
| No. of pages:   | 20   |
| <b>ITEM 6.</b>  | Personal hand drawn calendar of Dana Jarvis for November-December 2005.  |
| <i>Description of Communication:</i>  |  |
| Date prepared/made:   | Nov-Dec 2005   |
| Who was involved in the communication or who made the document:               | Made by Dana Jarvis  |
| For whom was the document prepared or to whom was the communication directed: | Personal use, shared with present counsel & not otherwise disclosed  |
| Purpose of preparing the document or making communication:                    | Keeping track of meetings with counsel, including Gorence  |
| Basis for withholding content:  | Confidences and secrets disclosed in reliance on attorney-client relationship.   |

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| No. of pages: | 1 |
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| <b>ITEM 7.</b><br><i>Description of Communication:</i>                        | Actual manila envelope which contained 11 categories of documents given to Mr. Gorence  |
| Date prepared/made:   | On or about December 15, 2005- December 22, 2005  |
| Who was involved in the communication or who made the document:               | Dana Jarvis   |
| For whom was the document prepared or to whom was the communication directed: | Prepared for Attorney Robert Gorence, only disclosed to Mr. Gorence and present counsel- returned to Mr. Jarvis by Mr. Gorence after March 2006 |
| Purpose of preparing the document or making communication:                    | For Mr. Gorence's legal representation of Mr. Jarvis  |
| Basis for withholding content:  | Confidences and secrets disclosed in reliance on attorney-client relationship/work product/ prepared for litigation.                            |
| No. of pages:   | 2 (actual envelope and copy)  |

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| <b>ITEM 8.</b><br><i>Description of Communication:</i>          | Handwritten copy of envelope (Ex. 7) inventory list         |
| Date prepared/made:   | On or about December 14-22, 2005                            |
| Who was involved in the communication or who made the document: | Dana Jarvis   |
| For whom was the document                                       | Document was prepared by Mr. Jarvis for himself so he could |

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| prepared or to whom was the communication directed:        | keep track of the documents he gave to Mr. Gorence; shared only with current defense team   |
| Purpose of preparing the document or making communication: | Mr. Jarvis made so he could keep track of the documents he gave to Mr. Gorence  |
| Basis for withholding content:                             | Confidences and secrets disclosed in reliance on attorney-client relationship/ index titles reveal confidential matters/prepared for litigation and assistance of counsel |
| No. of pages:  | 2 ( copy of same included)  |

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| <b>ITEM 9.</b>  | Detail of real property and liquor license purchase dates, ownership status, values   |
| <i>Description of Communication:</i>  |   |
| Date prepared/made:   | December 2005 (included in Envelope to Gorence, Ex. 7)  |
| Who was involved in the communication or who made the document:               | Prepared by Dana Jarvis; returned by Mr. Gorence after March 2006   |
| For whom was the document prepared or to whom was the communication directed: | Prepared for Robert Gorence, Esq.; shared only with Mr. Gorence and current defense team; presumably source of information Mr. Gorence referred to in January 19, 2006 re: date of acquisition of Mora properties |
| Purpose of preparing the document or making communication:                    | Advise Mr. Gorence about assets and manner and time of acquisition for Mot to Release Assets/Retention of Mr. Gorence   |
| Basis for withholding content:  | Confidences and secrets disclosed in reliance on attorney-client relationship/work product/preparation for litigation.  |
| No of pages:  | One notebook page, both sides   |

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| <b>ITEM 10.</b>                      | Copy of Government exhibit related to Cielo Vista residential property owned by Jarvis |
| <i>Description of Communication:</i> |  |
| Date prepared/made:                  | Made by USA for a hearing, included in pkt to Mr. Gorence Dec 05 (Ex. 7)               |

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| Who was involved in the communication or who made the document:               | Document was prepared by the United States, presumably  |
| For whom was the document prepared or to whom was the communication directed: | Unknown, as to USA. Provided by Mr. Jarvis to Mr. Gorence so Mr. Gorence could understand property and claims                       |
| Purpose of preparing the document or making communication:                    | Provided to Mr. Gorence for legal services  |
| Basis for withholding content:  | Confidences and secrets disclosed in reliance on attorney-client relationship/ to obtain legal services/preparation for litigation. |
| No. of pages:   | 1   |

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| <b>ITEM 11.</b>   | Detail on seized bank accounts of Jarvis: numbers and amounts  |
| <i>Description of Communication:</i>  |  |
| Date prepared/made:   | Dana Jarvis  |
| Who was involved in the communication or who made the document:               | Made by Dana Jarvis for Mr. Gorence  |
| For whom was the document prepared or to whom was the communication directed: | Made for and given to Mr. Gorence December 2005 in envelope, Ex 7  |
| Purpose of preparing the document or making communication:                    | Obtain legal services/advise Mr. Gorence of seized bank accounts and values  |
| Basis for withholding content:  | Confidences and secrets disclosed in reliance on attorney-client relationship/prepared for Mr. Gorence's litigation of assets. |
| No. of pages:   | 1, recreated   |

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| <b>ITEM 12.</b>                      | Notices of Lis Pendens filed against Mr. Jarvis properties in this case |
| <i>Description of Communication:</i> |   |
| Date prepared/made:                  | Compiled by Jarvis to give to Mr. Gorence December 2005                 |

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| Who was involved in the communication or who made the document:               | Jarvis collected legal papers for Mr. Gorence to evaluate his assets & the restrained properties   |
| For whom was the document prepared or to whom was the communication directed: | Collected for Mr. Gorence's review before Mr. Gorence filed Mot to Release Assets  |
| Purpose of preparing the document or making communication:                    | Obtaining legal opinion on getting properties released   |
| Basis for withholding content:  | Confidences and secrets disclosed in reliance on attorney-client relationship/mental process of Jarvis' work with Gorence/ litigation preparation (contents of Envelope Ex. 7) |
| No. of pages:   | 14   |

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| <b>ITEM 13.</b>   | Discovery summary pages 1-1086   |
| <i>Description of Communication:</i>  |  |
| Date prepared/made:   | Presumed to be between Dec 14 <sup>th</sup> and December 22, 2006 (written on the back of a list of USA v. Jarvis counsel list dated December 6, 2005) |
| Who was involved in the communication or who made the document:               | Created by Dana Jarvis   |
| For whom was the document prepared or to whom was the communication directed: | Jarvis' counsel; shared with Mr. Gorence in envelope, Ex 7   |
| Purpose of preparing the document or making communication:                    | Summarize discovery for assistance to counsel in his own defense   |
| Basis for withholding content:  | Confidences and secrets disclosed in reliance on attorney-client relationship/work product/defense strategy/ litigation prep                           |
| No. of pages:   | 1  |



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| <b>ITEM 14.</b>   | List of all names Jarvis found in discovery; at that time 88 names  |
| <i>Description of Communication:</i>  |   |
| Date prepared/made:   | Original prepared before meeting with Gorence late December, 2005. Photocopy of the orig is Ex. 24 herein. This is copy Jarvis continued to write on.   |
| Who was involved in the communication or who made the document:               | Prepared and modified by Dana Jarvis  |
| For whom was the document prepared or to whom was the communication directed: | Made by Jarvis for himself and his counsel; given to Mr. Gorence in envelope, Ex. 7 when Ms. Rosenstein was taking steps to withdraw. Believed shared with Ms. Rosenstein, known given to Mr. Gorence in envelope, Ex. 7, and present defense team. |
| Purpose of preparing the document or making communication:                    | To identify names he recognized and did not in the indictment   |
| Basis for withholding content:  | Confidences and secrets disclosed in reliance on attorney-client relationship/work product/defense strategy.  |
| No. of pages:   | 2   |

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| <b>ITEM 16.</b>   | Wiretap evaluation/handwritten & copies notes   |
| <i>Description of Communication:</i>  |   |
| Date prepared/made:   | Before December 22, 2005  |
| Who was involved in the communication or who made the document:               | Mental impressions and work product of Dana Jarvis  |
| For whom was the document prepared or to whom was the communication directed: | For Jarvis' counsel; shared with Gorence in Envelope, Ex. 7, and present defense team                         |
| Purpose of preparing the document or making communication:                    | To assist in his own defense  |
| Basis for withholding content:  | Confidences and secrets disclosed in reliance on attorney-client relationship/work product/mental impressions |

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| No. of pages:   | 10  |
| <b>ITEM 16.</b>   | Excerpts of legal briefs on substitute assets issue   |
| <i>Description of Communication:</i>  |   |
| Date prepared/made:   | unknown   |
| Who was involved in the communication or who made the document:               | Unknown; culled by Mr. Jarvis to give to Mr. Gorence  |
| For whom was the document prepared or to whom was the communication directed: | Excerpts provided to Mr. Gorence in Envelope, Ex. 7   |
| Purpose of preparing the document or making communication:                    | Assist Mr. Gorence with his Motion to Release Mr. Jarvis' assets  |
| Basis for withholding content:  | Confidences and secrets disclosed in reliance on attorney-client relationship/ part of envelope of documents provided seeking legal assistance. |
| No. of pages:   | 4   |
| <b>ITEM 17.</b>   | Copy of Response to Motion for Protective Order filed by Cliff McIntyre for Dana Jarvis   |
| <i>Description of Communication:</i>  |   |
| Date prepared/made:   | Filed October 11, 2005  |
| Who was involved in the communication or who made the document:               | Drafted by Cliff McIntyre, Esq. for Dana Jarvis; filed in these proceedings   |
| For whom was the document prepared or to whom was the communication directed: | Court filing  |
| Purpose of preparing the document or making                                   | Purpose was to get Mr. Jarvis' substitute assets released   |

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| communication:                 |   |
| Basis for withholding content: | Confidences and secrets disclosed in reliance on attorney-client relationship; part of envelope of documents provided seeking legal assistance. |
| No. of pages:                  | 3   |

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| <b>ITEM 18.</b>   | Stipulated Order Declaring Case Complex   |
| <i>Description of Communication:</i>  |   |
| Date prepared/made:   | Entered November 16, 2005   |
| Who was involved in the communication or who made the document:               | Court order to all Defendants   |
| For whom was the document prepared or to whom was the communication directed: | Court order; provided to Mr. Gorence by Dana Jarvis in pursuit of legal services; included in Envelope, Ex. 7   |
| Purpose of preparing the document or making communication:                    | Legal services; sharing of case information   |
| Basis for withholding content:  | Confidences and secrets disclosed in reliance on attorney-client relationship/seeking representation and advice |
| No. of pages:   | 3   |

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| <b>ITEM 19.</b>   | Seizure warrants  |
| <i>Description of Communication:</i>                            |   |
| Date prepared/made:   | At time of indictment; copies collected for Mr. Gorence by Mr. Jarvis December 2005 |
| Who was involved in the communication or who made the document: | Docs collected by Dana Jarvis for Mr. Gorence                                       |

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| For whom was the document prepared or to whom was the communication directed: | Docs given to Mr. Gorence as identifying assets seized  |
| Purpose of preparing the document or making communication:                    | Legal services; ascertain information about Jarvis' assets  |
| Basis for withholding content:  | Confidences and secrets disclosed in reliance on attorney-client relationship/obtaining legal services. |
| No. of pages:   | 8   |

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| <b>ITEM 20.</b>   | List of attorneys & availability   |
| <i>Description of Communication:</i>  |  |
| Date prepared/made:   | November/December 2005   |
| Who was involved in the communication or who made the document:               | Numerous persons contacted; document made by Dana Jarvis   |
| For whom was the document prepared or to whom was the communication directed: | Document was not shared, Mr. Jarvis made it for his own information; now shared with present defense team          |
| Purpose of preparing the document or making communication:                    | Figure out attorneys available for hire at that time, includes Mr. Gorence   |
| Basis for withholding content:  | Confidences and secrets disclosed in reliance on attorney-client relationship/ confidential notes and impressions. |
| No. of pages:   | 1  |

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| <b>ITEM 21.</b>   | Business card of Robert J. Gorence                                      |
| <i>Description of Communication:</i>                            |   |
| Date prepared/made:   | Given to Dana Jarvis by Mr. Gorence in November/December 2005 timeframe |
| Who was involved in the communication or who made the document: | Mr. Gorence gave the card to Mr. Jarvis                                 |

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| For whom was the document prepared or to whom was the communication directed: | Mr. Gorence gave the card to Mr. Jarvis regarding possible representation      |
| Purpose of preparing the document or making communication:                    | Retention of legal services  |
| Basis for withholding content:  | Confidences and secrets disclosed in reliance on attorney-client relationship. |
| No. of pages:   | 1  |

**\*\* Items 22-31 & 1A-6A**

**All the following items were in a file Mr. Gorence maintained on Mr. Jarvis and returned to Mr. Jarvis sometime after March 2006**

**(post entry of Court Order denying Mr. Romero's Motion to Release Funds)**

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| <b><i>ITEM 22.</i></b>  | Copy of Indictment with Mr. Gorence's original handwriting  |
| <i>Description of Communication:</i>  |   |
| Date prepared/made:   | December 2005   |
| Who was involved in the communication or who made the document:               | Mr. Gorence made the written remarks on the indictment during an attorney-client visit with Mr. Jarvis at RCC.  |
| For whom was the document prepared or to whom was the communication directed: | Mr. Gorence wrote information on the indictment that Mr. Jarvis provided him in confidence.   |
| Purpose of preparing the document or making communication:                    | For Mr. Gorence to file his Motion to Release Assets and evaluate the long term representation of Mr. Jarvis  |
| Basis for withholding content:  | Confidences and secrets disclosed in reliance on attorney-client relationship/work product/ mental impressions/ preparation for litigation/ obtaining legal advice and services |
| No. of pages:   | 13  |

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| <b>ITEM 23.</b>   | Summary of Jarvis' assets  |
| <i>Description of Communication:</i>  |  |
| Date prepared/made:   | Probably December 2005   |
| Who was involved in the communication or who made the document:               | Prepared by Dana Jarvis  |
| For whom was the document prepared or to whom was the communication directed: | Given to Mr. Gorence   |
| Purpose of preparing the document or making communication:                    | Seeking legal representation and to demonstrate possible sources of money for representation and or/ net worth   |
| Basis for withholding content:  | Confidences and secrets disclosed in reliance on attorney-client relationship/ confidential financial disclosures/litigation preparation.  |
| No. of pages:   | 1  |
| <b>ITEM 24.</b>   | List of names from discovery (copy of original given to Gorence in Envelope, Ex. 7)(unaltered)   |
| <i>Description of Communication:</i>  |  |
| Date prepared/made:   | Original prepared before meeting with Gorence late December, 2005. Photocopy of copy Jarvis continued to write on at Ex. 14.   |
| Who was involved in the communication or who made the document:               | Prepared by Dana Jarvis  |
| For whom was the document prepared or to whom was the communication directed: | Made by Jarvis for himself and his counsel; given to Mr. Gorence in envelope, Ex. 7 when Ms. Rosenstein was taking steps to withdraw. Believed shared with Ms. Rosenstein, known shared with Mr. Gorence and present defense team. |
| Purpose of preparing the document or making communication:                    | To identify names Mr. Jarvis recognized and did not in the indictment  |
| Basis for withholding content:  | Confidences and secrets disclosed in reliance on attorney-client relationship/work product/defense strategy/litigation prep.   |

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| No. of pages:   | 1   |
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| <b>ITEM 25.</b>   | Notice of Hearing on Defendant Jarvis' Mot for New Counsel  |
| <i>Description of Communication:</i>  |   |
| Date prepared/made:   | January 2006  |
| Who was involved in the communication or who made the document:               | Court filed document; found in Mr. Gorence's "Jarvis, Dana" file  |
| For whom was the document prepared or to whom was the communication directed: | Unknown if document was served on Mr. Gorence   |
| Purpose of preparing the document or making communication:                    | Unknown; Mr. Gorence maintained the document in the file he returned to Mr. Jarvis  |
| Basis for withholding content:  | Confidences and secrets disclosed in reliance on attorney-client relationship/ part of attorney-client file of work papers. |
| No. of pages:   | 1   |
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| <b>ITEM 26.</b>   | Mr. Gorence's E-file confirmation for filing Dana Jarvis' Motion to Release Assets and For Leave to Retain Counsel          |
| <i>Description of Communication:</i>  |   |
| Date prepared/made:   | Filed January 9, 2006   |
| Who was involved in the communication or who made the document:               | Filing was done by "Robert J. Gorence"  |
| For whom was the document prepared or to whom was the communication directed: | Filing was made on behalf of Dana Jarvis  |
| Purpose of preparing the document or making communication:                    | Motion states purpose to obtain release of assets to retain Robert Gorence.   |

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| Basis for withholding content: | Confidences and secrets disclosed in reliance on attorney-client relationship/ part of attorney-client file of work papers maintained by Robert Gorence. |
| No. of pages:                  | 1  |

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| <b>ITEM 27.</b><br><i>Description of Communication:</i>                       | Copy of Robert Gorence's filing, "Defendant Dana Jarvis' Motion to Release Assets and for Leave to Retain Counsel"                                       |
| Date prepared/made:   | Filed January 9, 2006  |
| Who was involved in the communication or who made the document:               | Document was prepared and signed by Robert J. Gorence, Esq.  |
| For whom was the document prepared or to whom was the communication directed: | Prepared for Dana Jarvis and filed in this present case.   |
| Purpose of preparing the document or making communication:                    | "to release assets to allow Defendant to retain defense attorneys" (from page one of the document)   |
| Basis for withholding content:  | Confidences and secrets disclosed in reliance on attorney-client relationship, part of attorney-client file of work papers maintained by Robert Gorence. |
| No. of pages:   | 4  |

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| <b>ITEM 28</b><br><i>Description of Communication:</i>          | Notice of Hearing on "Attorney Robert Gorence and attorney Paul Kennedy's Motion to release Assets;" court confirmation of service on Robert Gorence; has "sticky note" attached dated 1/12/06 about Mr. Gorence being "out of town" on hearing date |
| Date prepared/made:   | January 12, 2006   |
| Who was involved in the communication or who made the document: | US Dist. Court to Robert Gorence; "ALM" note to "Bob" same date  |



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| For whom was the document prepared or to whom was the communication directed: | Court notice to Mr. Gorence; sticky note to Mr. Gorence re: date of hearing schedule issues  |
| Purpose of preparing the document or making communication:                    | Standard court notice to attorney filing motion; interoffice communication regarding setting   |
| Basis for withholding content:  | Confidences and secrets disclosed in reliance on attorney-client relationship, part of attorney-client file of work papers maintained by Robert Gorence. |
| No. of pages:   | 3, plus yellow sticky note   |
| <b>ITEM 29.</b><br><i>Description of Communication:</i>                       | Internal office image of Notice of Hearing (Ex. 28), Office of Robert Gorence  |
| Date prepared/made:   | "1/12/2006 8:21:05AM"  |
| Who was involved in the communication or who made the document:               | Court to Robert Gorence  |
| For whom was the document prepared or to whom was the communication directed: | Internal Gorence Law Firm document   |
| Purpose of preparing the document or making communication:                    | Internal recordkeeping   |
| Basis for withholding content:  | Confidences and secrets disclosed in reliance on attorney-client relationship part of attorney-client file of work papers maintained by Robert Gorence.  |
| No. of pages:   | 1  |
| <b>ITEM 30.</b><br><i>Description of Communication:</i>                       | Internal Gorence law Office "Phone message" memo   |

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| Date prepared/made:   | January 12, 2006   |
| Who was involved in the communication or who made the document:               | AUSA Braun through Louren Oliveros (partner of Robert Gorence), msg taken by "Trish H"   |
| For whom was the document prepared or to whom was the communication directed: | For a position from Mr. Gorence on USA Mot to Strike   |
| Purpose of preparing the document or making communication:                    | Internal law office communication  |
| Basis for withholding content:  | Confidences and secrets disclosed in reliance on attorney-client relationship, part of attorney-client file of work papers maintained by Robert Gorence. |
| No. of pages:   | 1  |

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| <b><i>ITEM 31.</i></b>  | Copy of USA Motion to Strike   |
| <i>Description of Communication:</i>  |  |
| Date prepared/made:   | Approximately January 12, 2006   |
| Who was involved in the communication or who made the document:               | AUSA Braun   |
| For whom was the document prepared or to whom was the communication directed: | Pleading   |
| Purpose of preparing the document or making communication:                    | Filing regarding Gorence Motion to Release Assets  |
| Basis for withholding content:  | Confidences and secrets disclosed in reliance on attorney-client relationship, part of attorney-client file of work papers maintained by Robert Gorence. |
| No. of pages:   | 3  |

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| <b>ITEM 1A.</b>   | Document entitled "Limited Entry of Appearance"   |
| <i>Description of Communication:</i>  |   |
| Date prepared/made:   | Between January 12 and January 19, 2006   |
| Who was involved in the communication or who made the document:               | Robert Gorence  |
| For whom was the document prepared or to whom was the communication directed: | Document was prepared for filing in open court at January 19, 2006 hearing on Mr. Jarvis Motion, filed by Mr. Gorence.  |
| Purpose of preparing the document or making communication:                    | Purpose stated on document is: "If the motion [to release assets] is successful, Robert J. Gorence and Paul Kennedy will then enter their appearances on behalf of defendant, Dana Jarvis, as it is Mr. Jarvis's desire to retain Robert J. Gorence and Paul Kennedy to represent him in the above-styled cause." |
| Basis for withholding content:  | Confidences and secrets disclosed in reliance on attorney-client relationship, part of attorney-client file of work papers maintained by Robert Gorence.  |
| No. of pages:   | 1   |
| <b>ITEM 2A.</b>   | Court order   |
| <i>Description of Communication:</i>  |   |
| Date prepared/made:   | January 20, 2006  |
| Who was involved in the communication or who made the document:               | Court to Mr. Gorence  |
| For whom was the document prepared or to whom was the communication directed: | Court to Mr. Gorence regarding Mr. Gorence's Motion for Dana Jarvis   |

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| Purpose of preparing the document or making communication: | Court order on Motion Gorence had filed   |
| Basis for withholding content:                             | Confidences and secrets disclosed in reliance on attorney-client relationship part of attorney-client file of work papers maintained by Robert Gorence. |
| No. of pages:  | 1   |

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| <b>ITEM 3A.</b><br><i>Description of Communication:</i>                       | Email from Hope Eckert to Robert Gorence (same as referred to in Affidavit by Hope Eckert, Exs. 3 & 4)   |
| Date prepared/made:   | January 31, 2006   |
| Who was involved in the communication or who made the document:               | Hope Eckert, Esq., (Mr. Jarvis' then forfeiture counsel) to Mr. Gorence.   |
| For whom was the document prepared or to whom was the communication directed: | Directed to Mr. Gorence  |
| Purpose of preparing the document or making communication:                    | Defense motion strategy regarding getting assets released for Jarvis to retain counsel of choice   |
| Basis for withholding content:  | Confidences and secrets disclosed in reliance on attorney-client relationship, part of attorney-client file of work papers maintained by Robert Gorence. |
| No. of pages:   | 1  |

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| <b>ITEM 4A</b><br><i>Description of Communication:</i>          | E-file confirmation of Mr. Romero's Motion to Release Funds |
| Date prepared/made:   | February 3, 2006  |
| Who was involved in the communication or who made the document: | Unknown as to how Gorence obtained for Jarvis file          |

|   |  |
|---|--|
| For whom was the document prepared or to whom was the communication directed: | Court prepared for Joe Romero as confirmation of filing of Motion to Release Funds   |
| Purpose of preparing the document or making communication:                    | Unknown if Gorence obtained or notice was sent to him  |
| Basis for withholding content:  | Confidences and secrets disclosed in reliance on attorney-client relationship, part of attorney-client file of work papers maintained by Robert Gorence. |
| No. of pages:   | 1  |

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| <b>ITEM 5A</b>  | Copy of Romero's Motion to Release Funds   |
| <i>Description of Communication:</i>  |  |
| Date prepared/made:   | February 3, 2006   |
| Who was involved in the communication or who made the document:               | Filing made by Joe Romero  |
| For whom was the document prepared or to whom was the communication directed: | On behalf of Dana Jarvis   |
| Purpose of preparing the document or making communication:                    | Obtain release of funds and properties for Mr. Jarvis to hire Mr. Gorence  |
| Basis for withholding content:  | Confidences and secrets disclosed in reliance on attorney-client relationship, part of attorney-client file of work papers maintained by Robert Gorence. |
| No. of pages:   | 5  |

|                                      |  |
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| <b>ITEM 6A</b>                       | Copy of case law on release of substitute assets |
| <i>Description of Communication:</i> |  |
| Date prepared/made:                  | Unknown  |

|   |   |
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| Who was involved in the communication or who made the document:               | Unknown; found in Gorence files returned to Mr. Jarvis  |
| For whom was the document prepared or to whom was the communication directed: | Unknown; found in Gorence files returned to Mr. Jarvis  |
| Purpose of preparing the document or making communication:                    | Research on pre-trial restraint of substitute assets  |
| Basis for withholding content:  | Confidences and secrets disclosed in reliance on attorney-client relationship, part of attorney-client file of work papers maintained by Robert Gorence.  |
| No. of pages:   | 2   |
| <hr/>   |   |
| <b>ITEM 7A</b><br><i>Description of Communication:</i>                        | Copies of sealed discovery created by FBI identifying Mr. Gorence as Mr. Jarvis counsel   |
| Date prepared/made:   | Investigated January 17, 2006- January 19, 2006; reported January 19, 2006- January 25, 2006  |
| Who was involved in the communication or who made the document:               | FBI Agent Pierson reporting on a "source's" information   |
| For whom was the document prepared or to whom was the communication directed: | Unknown at who's behest; FBI Investigation  |
| Purpose of preparing the document or making communication:                    | Monitoring Mr. Jarvis' communications with counsels and at this time, US Marshall's monitoring of Mr. Gorence.  |
| Basis for withholding content:  | Confidences and secrets disclosed in reliance on attorney-client relationship, part of attorney-client file of work papers maintained by Robert Gorence; currently released only to Mr. Jarvis as sealed discovery. |
| No. of pages:   | 4   |

**Conclusion**

WHEREFORE, Defendant Jarvis hereby provides this privilege log to describe with detail, without disclosing content, the confidential communications he had with Mr. Robert Gorence, Esq. in reliance on the attorney-client relationship.

Respectfully submitted:

*Electronically filed 11/19/07*

By: \_\_\_\_\_  
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*Electronically filed 11/19/07*

By: \_\_\_\_\_  
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I hereby certify that a true and correct copy of the foregoing was served on opposing counsel, AUSAs James Braun and Stephen Kotz, on November 19, 2007.

*Electronically filed 11/19/07*

\_\_\_\_\_  
Joe M. Romero, Jr.